



Byron Shire Development Control Plan 2014

Chapter D9 Rural Function Centres



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Document History

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D9.1 Introduction

Clause 6.11 of Byron Local Environmental Plan 2014 provides for the temporary use of land in Zone RU2 for the purpose of a **function centre**.

The provisions of Clause 6.11 specify that development consent may be granted for a maximum period of 3 years from the date of consent, and outlines a range of provisions to be considered by a consent authority in granting such consent.

In particular, the clause specifies that an approved **function centre** cannot be used for the purpose of a convention centre, exhibition centre or for music festivals.

D9.2 Aim of this Chapter

The aim of this Chapter is to manage weddings and events of a similar scale held in the Byron hinterland, to address a history of disturbance to neighbours associated with these unregulated events.

The provisions of this Chapter address the suitability of potential sites and establish minimum standards for the management of events on those sites.

D9.3 Application of this Chapter

This Chapter applies to development applications for the temporary use of land in Zone RU2 for the purpose of a **function centre**, as outlined in Clause 6.11 of the Byron Local Environmental Plan 2014.

D9.4 Provisions

D9.4.1 Site Suitability

Objective

1. *To ensure that rural functions and/ or events are held on sites that are suitable to such activities, particularly in relation to the ability to avoid or manage disturbance to the amenity of the neighbourhood.*

Performance Criteria

1. Use of the property for functions and/ or events will not result in offensive or intrusive noise at neighbouring residences.
2. The local road network has the capacity to accept the additional traffic associated with function and/ or event use at the site without compromise to safety or efficiency.
3. Functions or events at the site will not result in land use conflicts with neighbours, particularly in respect of local farming activities.

Prescriptive Measures

Development consent must not be granted for a **function centre** unless the consent authority is satisfied that:

1. the proposal is supported by a site specific acoustic assessment, prepared by a suitably qualified person, quantifying existing background noise levels and noise levels predicted for functions and/ or events in relation to all nearby dwellings, and demonstrating that the use of the property for functions and/ or events will not result in

the generation of offensive noise, as defined in the *Protection of the Environment Operations Act 1997*;

2. a Traffic Impact Assessment has been prepared, addressing traffic numbers, impact on local roads, access and on-site parking, demonstrating that the use of the site for a **function centre** will not result in unacceptable adverse impacts on the safety or efficiency of local traffic or the amenity of the neighbourhood;
3. a Land Use Conflict Risk Assessment has been prepared demonstrating that the use of the site for a **function centre** will not result in any land use conflict in relation to adjoining or nearby farming activities or preclude future farming activities;
4. no clearing of native vegetation is required for the development;
5. the **function centre** is not located in or immediately adjacent to areas of high Aboriginal cultural heritage significance.

D9.4.2 Management of Functions and Events

Objective

1. *To ensure that functions and events held on approved sites do not disturb the amenity of the neighbourhood.*

Performance Criteria

1. Use of the property for functions and/ or events will not result in offensive or intrusive noise at neighbouring residences.
2. Functions and/ or events at the site will not result in land use conflicts with neighbours, particularly in respect of local farming activities.

Prescriptive Measures

Applications for development consent for a temporary use of land for a **function centre** must include an Events Management Plan, which contains (as a minimum) provisions that:

1. provide for all function/ event guests (other than the bridal party) to be transported to and from the site by bus, suitable to the road network to be utilised for transportation to the site; and
2. ensure that all amplified music will cease no later than 10:00pm; and
3. ensure that all attendees will be off-site no later than 11:00pm, other than those staying overnight on the premises; and
4. outline measures that will be in place to ensure predicted noise levels are not exceeded at nearby dwellings; and
5. provide for the monitoring of noise generated at functions and/ or events and annual compliance reporting to Council; and
6. provide for the notification of nearby residents, including contact details for an appropriate management person who must be on-site and contactable during each function and/ or event and provision of a sign, located so that it can be viewed from a public space outside of the property notifying the name and contact phone number of the management person; and
7. ensure that adequate arrangements are in place to manage wastewater and general waste for each function and/ or event; and
8. manage the potential noise/ amenity impacts associated with any persons staying overnight at the site at the conclusion of the function/ event; and

9. prohibit the use of fireworks, helicopters and/or other comparable activities known to cause disturbance to livestock and/or farming activities.

In deciding whether to grant consent for a temporary **function centre**, the consent authority must consider:

1. the maximum number of functions and/ or events permitted in any calendar year; and
2. the potential loss of farming on the property, particularly where part or all of the site is mapped as State and / or Regionally Significant Farmland; and
3. the potential impact on areas of environmental value, whether on the property the subject of the **function centre** or on adjacent and nearby land, including koala habitat; and
4. whether a trial period is appropriate; and
5. the need for a biosecurity management plan.

A condition of approval will be applied for all development consents for a **function centre** in Zone RU2 specifying that development consent would cease if three substantiated complaints were received in relation to functions and/ or events at the site within a twelve-month period.